

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 5-1-16-1, AS AMENDED BY P.L.215-2001,
- 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 1. As used in this chapter:
- 5 "Authority" refers to the Indiana health facility financing authority.
- 6 "Bonds" includes bonds, refunding bonds, notes, interim
- 7 certificates, bond anticipation notes, and other evidences of
- 8 indebtedness of the authority, issued under this chapter.
- 9 "Building" or "buildings" or similar words mean any building or part
- 10 of a building or addition to a building for health care purposes. The
- 11 term includes the site for the building (if a site is to be acquired),
- 12 equipment, heating facilities, sewage disposal facilities, landscaping,
- 13 walks, drives, parking facilities, and other structures, facilities,
- 14 appurtenances, materials, and supplies that may be considered
- 15 necessary to render a building suitable for use and occupancy for health
- 16 care purposes.
- 17 "Cost" includes the following:
- 18 (1) The cost and the incidental and related costs of the
- 19 acquisition, repair, restoration, reconditioning, refinancing, or
- 20 installation of health facility property.

(2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.

(3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.

(4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.

(5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing and startup costs related to health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing.

(6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.

(7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.

(8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

(1) is determined by the authority to be necessary or helpful,

- 1 directly or indirectly, to provide:
- 2 (A) health care;
- 3 (B) medical research;
- 4 (C) training or teaching of health care personnel;
- 5 (D) habilitation, rehabilitation, or therapeutic services; or
- 6 (E) any related supporting services;
- 7 regardless of whether such property is in existence at the time of,
- 8 or is to be provided after the making of, such finding;
- 9 (2) is a residential facility for:
- 10 (A) the physically, mentally, or emotionally disabled;
- 11 (B) the physically or mentally ill; or
- 12 (C) the elderly; or
- 13 (3) is a licensed child caring institution providing residential care
- 14 described in IC 12-7-2-29(1) or corresponding provisions of the
- 15 laws of the state in which the property is located.
- 16 "Health facility" means any facility or building that is:
- 17 (1) owned or used by a participating provider;
- 18 (2) located:
- 19 (A) in Indiana; or
- 20 (B) outside Indiana, if the participating provider that operates
- 21 the facility or building, or an affiliate of the participating
- 22 provider, also operates a substantial health facility or facilities,
- 23 as determined by the authority, in Indiana; and
- 24 (3) utilized, directly or indirectly:
- 25 (A) in:
- 26 (i) health care;
- 27 (ii) habilitation, rehabilitation, or therapeutic services;
- 28 (iii) medical research;
- 29 (iv) the training or teaching of health care personnel; or
- 30 (v) any related supporting services;
- 31 (B) to provide a residential facility for:
- 32 (i) the physically, mentally, or emotionally disabled;
- 33 (ii) the physically or mentally ill; or
- 34 (iii) the elderly; or
- 35 (C) as a child caring institution and provides residential care
- 36 described in IC 12-7-2-29(1) or corresponding provisions of
- 37 the laws of the state in which the facility or building is located.
- 38 "Net revenues" means the revenues of a hospital remaining after

provision for proper and reasonable expenses of operation, repair, replacement, and maintenance of the hospital.

"Participating provider" means a person, corporation, municipal corporation, political subdivision, or other entity, public or private, which:

(1) is located in Indiana or outside Indiana;
 (2) contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property that is located:

(A) in Indiana; or

(B) outside Indiana, if the financing, refinancing, lease, or other acquisition also includes a substantial component, as determined by the authority, for the benefit of a health facility or facilities located in Indiana;

(3) is:

(A) licensed under IC 12-25, IC 16-21, IC 16-28, or corresponding laws of the state in which the property is located;

(B) a regional blood center;

(C) a community mental health center or community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding provisions of laws of the state in which the property is located);

(D) an entity that:

(i) contracts with the division of disability, aging, and rehabilitative services or the division of mental health and addiction to provide the program described in IC 12-11-1.1-1(e) or IC 12-22-2; or

(ii) provides a similar program under the laws of the state in which the entity is located;

(E) a vocational rehabilitation center established under ~~IC 12-12-1-4(1)~~ **IC 12-12-1-4.1(a)(1)** or corresponding provisions of the laws of the state in which the property is located;

(F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching

1 of health care personnel, or any related supporting services, or
 2 of a residential facility for the physically, mentally, or
 3 emotionally disabled, physically or mentally ill, or the elderly;
 4 (G) a licensed child caring institution providing residential
 5 care described in IC 12-7-2-29(1) or corresponding provisions
 6 of the laws of the state in which the property is located;
 7 (H) an integrated health care system between or among
 8 providers, a health care purchasing alliance, a health insurer
 9 or third party administrator that is a participant in an integrated
 10 health care system, a health maintenance or preferred provider
 11 organization, or a foundation that supports a health care
 12 provider; or
 13 (I) an individual, a business entity, or a governmental entity
 14 that owns an equity or membership interest in any of the
 15 organizations described in clauses (A) through (H); and
 16 (4) in the case of a person, corporation, municipal corporation,
 17 political subdivision, or other entity located outside Indiana, is
 18 owned or controlled by, under common control with, affiliated
 19 with, or part of an obligated group that includes an entity that
 20 provides one (1) or more of the following services or facilities in
 21 Indiana:

- 22 (A) A facility that provides:
- 23 (i) health care;
 - 24 (ii) habilitation, rehabilitation, or therapeutic services;
 - 25 (iii) medical research;
 - 26 (iv) training or teaching of health care personnel; or
 - 27 (v) any related supporting services.
- 28 (B) A residential facility for:
- 29 (i) the physically, mentally, or emotionally disabled;
 - 30 (ii) the physically or mentally ill; or
 - 31 (iii) the elderly.
- 32 (C) A child caring institution providing residential care
 33 described in IC 12-7-2-29(1).

34 "Regional blood center" means a nonprofit corporation or
 35 corporation created under 36 U.S.C. 1 that:

- 36 (1) is:
- 37 (A) accredited by the American Association of Blood Banks;
 - 38 or

1 (B) registered or licensed by the Food and Drug
 2 Administration of the Department of Health and Human
 3 Services; and

4 (2) owns and operates a health facility that is primarily engaged
 5 in:

6 (A) drawing, testing, processing, and storing human blood and
 7 providing blood units or components to hospitals; or

8 (B) harvesting, testing, typing, processing, and storing human
 9 body tissue and providing this tissue to hospitals.

10 SECTION 2. IC 12-7-2-39 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 39. "Community
 12 mental retardation and other developmental disabilities centers", for
 13 purposes of IC 12-29 (except as provided in IC 12-29-3-6), means a
 14 program of services that meets the following conditions:

15 (1) Is approved by the division of disability, aging, and
 16 rehabilitative services.

17 (2) Is organized for the purpose of providing multiple services for
 18 persons with developmental disabilities.

19 (3) Is operated by one (1) of the following or any combination of
 20 the following:

21 (A) A city, a town, a county, or another political subdivision
 22 of Indiana.

23 (B) An agency of the state.

24 (C) An agency of the United States.

25 (D) A political subdivision of another state.

26 (E) A hospital owned or operated by a unit of government
 27 described in clauses (A) through (D).

28 (F) A building authority organized for the purpose of
 29 constructing facilities to be leased to units of government.

30 (G) A corporation incorporated under IC 23-7-1.1 (before its
 31 repeal August 1, 1991) or IC 23-17.

32 (H) A nonprofit corporation incorporated in another state.

33 (I) A university or college.

34 (4) Is accredited **for the services the person provides by one (1)**
 35 **of the following organizations:**

36 (A) **The Commission on Accreditation of Rehabilitation**
 37 **Facilities (CARF), or its successor.**

38 (B) **The Council on Quality and Leadership in Supports for**

- 1 **People with Disabilities, or its successor.**
- 2 **(C) The Joint Commission on Accreditation of Healthcare**
- 3 **Organizations (JCAHO), or its successor.**
- 4 **(D) The National Commission on Quality Assurance, or its**
- 5 **successor.**
- 6 **(E) An independent national accreditation organization**
- 7 **approved by the secretary.**

8 SECTION 3. IC 12-12-1-4.1 IS ADDED TO THE INDIANA AS A
 9 **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON**
 10 **PASSAGE]: Sec. 4.1. (a) The bureau may do the following:**

- 11 **(1) Establish vocational rehabilitation centers separately or in**
- 12 **conjunction with community rehabilitation centers.**
- 13 **(2) Contract with governmental units and other public or**
- 14 **private organizations to provide any of the vocational**
- 15 **rehabilitation services permitted or required by this article,**
- 16 **IC 12-8-1-11, IC 12-9-6, and IC 12-11-6.**
- 17 **(3) Provide or contract for the provision of other services that**
- 18 **are consistent with the purposes of this article, IC 12-8-1-11,**
- 19 **IC 12-9-6, and IC 12-11-6.**

20 **(b) When entering into contracts for job development,**
 21 **placement, or retention services, the bureau shall contract with**
 22 **governmental units and other public or private organizations or**
 23 **individuals that are accredited by one (1) of the following**
 24 **organizations:**

- 25 **(1) The Commission on Accreditation of Rehabilitation**
- 26 **Facilities (CARE), or its successor.**
- 27 **(2) The Council on Quality and Leadership in Supports for**
- 28 **People with Disabilities, or its successor.**
- 29 **(3) The Joint Commission on Accreditation of Healthcare**
- 30 **Organizations (JCAHO), or its successor.**
- 31 **(4) The National Commission on Quality Assurance, or its**
- 32 **successor.**
- 33 **(5) An independent national accreditation organization**
- 34 **approved by the secretary.**

35 **(c) To the extent that the accreditation requirements of an**
 36 **accrediting organization listed in subsection (b) do not cover a**
 37 **specific requirement determined by the bureau to be necessary for**
 38 **a contracted service under subsection (a), the bureau shall include**

1 **these specific requirements as part of the bureau's contract with a**
 2 **person described in subsection (a)(2) for job development,**
 3 **placement, or retention services.**

4 SECTION 4. IC 12-29-3-6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) As used in this
 6 section, "community mental retardation and other developmental
 7 disabilities center" means a community center that is:

8 (1) incorporated under IC 23-7-1.1 (before its repeal August 1,
 9 1991) or IC 23-17;

10 (2) organized for the purpose of providing services for mentally
 11 retarded and other individuals with a developmental disability;

12 (3) approved by the division of disability, aging, and rehabilitative
 13 services; and

14 (4) accredited **for the services provided by one (1) of the**
 15 **following organizations:**

16 (A) **The Commission on Accreditation of Rehabilitation**
 17 **Facilities (CARF), or its successor.**

18 (B) **The Council on Quality and Leadership in Supports for**
 19 **People with Disabilities, or its successor.**

20 (C) **The Joint Commission on Accreditation of Healthcare**
 21 **Organizations (JCAHO), or its successor.**

22 (D) **The National Commission on Quality Assurance, or its**
 23 **successor.**

24 (E) **An independent national accreditation organization**
 25 **approved by the secretary.**

26 (b) The county executive of a county may authorize the furnishing
 27 of financial assistance to a community mental retardation and other
 28 developmental disabilities center serving the county.

29 (c) Upon the request of the county executive, the county fiscal body
 30 may appropriate annually, from the general fund of the county, money
 31 to provide financial assistance in an amount not to exceed the amount
 32 that could be collected from the annual tax levy of sixty-seven
 33 hundredths of one cent (\$0.0067) on each one hundred dollars (\$100)
 34 of taxable property.

35 SECTION 5. IC 20-12-21.7-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The minority
 37 teacher or special education services scholarship fund is established:

38 (1) as the fund pertains to minority teachers:

- 1 (A) to encourage and promote qualified minority individuals
- 2 to pursue a career in teaching in accredited schools in Indiana;
- 3 (B) to enhance the number of individuals who may serve as
- 4 role models for the minority students in Indiana; and
- 5 (C) in recognition of the fact that there is a shortage of
- 6 minority teachers teaching in accredited schools of Indiana;
- 7 and
- 8 (2) as the fund pertains to special education services:
- 9 (A) to encourage and promote qualified individuals to pursue
- 10 a career in:
- 11 (i) teaching special education in accredited schools in
- 12 Indiana; or
- 13 (ii) practicing occupational or physical therapy in accredited
- 14 schools in Indiana, in vocational rehabilitation centers under
- 15 ~~IC 12-12-1-4(1)~~ **IC 12-12-1-4.1(a)(1)**, or in community
- 16 mental retardation or other developmental disabilities
- 17 centers under IC 12-29 (except IC 12-29-3-6) as part of the
- 18 special education program; and
- 19 (B) in recognition of the fact that there is a shortage of
- 20 individuals who teach special education and who provide
- 21 certain other special education services in accredited schools
- 22 in Indiana.

23 SECTION 6. IC 20-12-21.7-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
 25 commission for higher education under IC 20-12-0.5 shall provide the
 26 commission with the most recent information concerning:

- 27 (1) the number of minority students enrolled at each eligible
- 28 institution; and
- 29 (2) the number of individuals who are:
- 30 (A) enrolled at each eligible institution; and
- 31 (B) pursuing a course of study that would enable the student,
- 32 upon graduation, to be:
- 33 (i) licensed to teach special education in an accredited
- 34 school; or
- 35 (ii) certified to practice occupational therapy or licensed to
- 36 practice physical therapy in an accredited school, in a
- 37 vocational rehabilitation center under ~~IC 12-12-1-4(1)~~
- 38 **IC 12-12-1-4.1(a)(1)**, or in a community mental retardation

1 or other developmental disabilities center under IC 12-29 as
2 part of the special education program.

3 (b) The commission shall allocate the available money from the
4 fund to each eligible institution in proportion to the number of minority
5 students enrolled at each eligible institution as described in subsection
6 (a) based upon the information received by the commission under
7 subsection (a).

8 (c) Each eligible institution shall determine the scholarship
9 recipients under this chapter:

10 (1) based upon the criteria set forth in section 9 of this chapter or
11 section 9.1 of this chapter, whichever applies, and the rules
12 adopted by the commission under section 12 of this chapter; and

13 (2) with a priority on granting scholarships in the following order:

14 (A) Minority students seeking a renewal scholarship.

15 (B) Newly enrolling minority students.

16 (C) Special education services students seeking a renewal
17 scholarship.

18 (D) Newly enrolling special education services students.

19 However, the eligible institution may not grant a scholarship renewal
20 to a student for an academic year that ends later than six (6) years after
21 the date the student received the initial scholarship under this chapter.

22 (d) Any funds that:

23 (1) are allocated to an eligible institution; and

24 (2) are not utilized for scholarships under this chapter;

25 shall be returned to the commission for reallocation by the commission
26 to any other eligible institution in need of additional funds.

27 SECTION 7. IC 20-12-21.7-9.1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.1. (a) To initially
29 qualify for a scholarship from the fund as the fund pertains to
30 individuals described in section 8(a)(2) of this chapter, an individual
31 must:

32 (1) be admitted to an eligible institution of higher learning as a
33 full-time student or be attending an eligible institution of higher
34 learning as a full-time student;

35 (2) intend to pursue or, in the case of a student who is attending
36 an eligible institution of higher learning, pursue a course of study
37 that would enable the student, upon graduation:

38 (A) to be licensed to teach special education in an accredited

- 1 school under rules adopted by the Indiana state board of
 2 education;
- 3 (B) to be certified to practice occupational therapy:
- 4 (i) in an accredited school;
- 5 (ii) in a vocational rehabilitation center under
 6 ~~IC 12-12-1-4(1)~~ **IC 12-12-1-4.1(a)(1)**; or
- 7 (iii) in a community mental retardation or other
 8 developmental disabilities center under IC 12-29 except
 9 IC 12-29-3-6; or
- 10 (C) to be licensed to practice physical therapy:
- 11 (i) in an accredited school;
- 12 (ii) in a vocational rehabilitation center under
 13 ~~IC 12-12-1-4(1)~~ **IC 12-12-1-4.1(a)(1)**; or
- 14 (iii) in a community mental retardation or other
 15 developmental disabilities center under IC 12-29 except
 16 IC 12-29-3-6;
- 17 (3) agree, in writing, to:
- 18 (A) teach in an accredited school; or
- 19 (B) practice occupational therapy or physical therapy,
 20 whichever applies:
- 21 (i) in an accredited school in Indiana;
- 22 (ii) in a vocational rehabilitation center under
 23 ~~IC 12-12-1-4(1)~~ **IC 12-12-1-4.1(a)(1)**; or
- 24 (iii) in a community mental retardation or other
 25 developmental disabilities center under IC 12-29 except
 26 IC 12-29-3-6;
- 27 at least three (3) of the first five (5) years following the student's
 28 licensure as a teacher, certification as an occupational therapist,
 29 or licensure as a physical therapist; and
- 30 (4) meet any other minimum criteria established by the
 31 commission.
- 32 (b) To qualify for a scholarship renewal from the fund under this
 33 section, the individual must:
- 34 (1) comply with the criteria set forth in subsection (a); and
- 35 (2) maintain at least the cumulative grade point average:
- 36 (A) that is required by an eligible institution for admission to
 37 the eligible institution's school of education; or
- 38 (B) of 2.0 on a 4.0 grading scale or its equivalent as

1 established by the eligible institution if the eligible institution's
2 school of education does not require a certain minimum
3 cumulative grade point average.

4 SECTION 8. IC 12-12-1-4 IS REPEALED [EFFECTIVE UPON
5 PASSAGE].

6 SECTION 9. **An emergency is declared for this act."**

7 Page 2, delete lines 1 through 5.

(Reference is to SB 109 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Miller

Chairperson